

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

ERIC C. WOLF,

CIVIL NO. 08-4901 (PJS/JSM)

Plaintiff,

v.

ORDER

R. RIOS, Warden,
F. SILVA, Captain, and
DAVID AGRIMSON, Lt.,

Respondents.

The above matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Janie S. Mayeron dated October 2, 2008. No objections have been filed to that Report and Recommendation in the time period permitted.

Based upon the Report and Recommendation of the Magistrate Judge, upon all of the files, records and proceedings herein, now makes and enters the following Order.

IT IS HEREBY ORDERED:

1. Plaintiff's application to proceed in forma pauperis, (Docket No. 3), is **DENIED**;
2. This action is **SUMMARILY DISMISSED** pursuant to 28 U.S.C. § 1915A(b)(1);
3. Plaintiff is required to pay the unpaid balance of the Court filing fee, namely \$330.00; and
4. For purposes of 28 U.S.C. § 1915(g), this action is dismissed "on the grounds that it is frivolous, malicious, or fails to state a claim on which relief may be granted."

Dated: 10/29/08

s/Patrick J. Schiltz
Patrick J. Schiltz
United States District Judge